

**41-22-10.8. Protective headgear requirements -- Owner duty -- Penalty for violation.**

(1) A person under the age of 18 may not operate or ride on all-terrain type I vehicles, snowmobiles, or motorcycles on public land unless the person is wearing a properly fitted and fastened, United States Department of Transportation safety-rated protective headgear designed for motorized vehicle use.

(2) The owner of an off-highway vehicle or any other person may not give permission to a person who is under 18 years of age to operate or ride on an off-highway vehicle in violation of this section.

(3) An operator and passengers of off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) and (4) are exempt from the requirements of this section.

(4) Any person convicted of violations of this section is guilty of an infraction and shall be fined not more than \$50 per offense.

(5) A court shall waive \$8 of a fine charged for a violation of Title 41, Chapter 22, Off-Highway Vehicles, to a person operating an off-highway vehicle on public land if the person was:

- (a) 18 years of age or older at the time of operation; and
- (b) wearing protective headgear that complies with the requirements described under Subsection (1) at the time of operation.

(6) The failure to wear protective headgear:

- (a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
- (b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

(7) Notwithstanding Subsection (5), a court may not waive \$8 of a fine charged to a person operating an off-highway vehicle on public land for a driving under the influence violation of Section 41-6a-502.

Amended by Chapter 363, 2010 General Session